

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7595 of 2016

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Between:

1. S. Kesava Rao and another.

PETITIONERS

AND

1. State of Telangana, rep. by its Principal Secretary to
Government, Energy Department, Telangana Secretariat,
Saifabad, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief.

“....to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in deciding to construct 33/11KV electrical sub-station on public road site adjoining Schedule caste residential colony at Lingapalem Village of Vemasuru Mandal in Khammam District, without deciding objections filed by petitioners by way of representations dated 14-12-2015 and 08-02-2016, as illegal, irregular, irrational, violative of provisions of Andhra Pradesh Land Encroachment Act,1905; Andhra Pradesh Panchayat Raj Act,1994 and The Electricity Act,2003 and offends articles 14 and 21 of constitution of India and consequently direct the respondents not to construct the electrical sub-station on public road site and protect the same for public road purpose...”

The case of the petitioners is that the respondents are undertaking construction of 33/11 KV electrical sub-station on a public road leading to burial ground site. They state that there are 200 houses situated in Scheduled Caste colony in Linagapalem Village of Vemasuru Mandal in Khammam District and they are the residents of the said colony. The proposed sub-station sought to be constructed in the site of one Gollamudi Krishnaiah S/o. Muthaiah, is on the way to burial ground and also along side the school. Hence, construction of sub-station would cause enormous hardship to the public to reach the burial ground apart from pose danger to the school going children. It is stated that though these aspects have been brought to the notice of the respondent-authorities, the respondents are not heeding to the said requests. Hence the present writ petition is filed.

Learned counsel for the petitioner while reiterating the contentions raised in the writ affidavit would submit that the electrical sub-station, which is sought to be established, is in violation of

Revenue Board Standing Order 15.

A counter affidavit has been filed on behalf of the respondents 3 and 4, categorically stating that construction of sub-station is being done in Ac.0.20 cents of land, which is Government poramboke, and the occupier of the land gifted the same to the respondent-Corporation. It is further asserted that the entire sub-station is being fenced as per the specifications of TSNPDCL by providing adequate security and the apprehension of the petitioners is only imaginary. The sub-station is being constructed away from the main road keeping in view of expansion of road. The allegation that there is graveyard near the sub-station is also specifically denied. To support their case, the respondents filed photographs to show the topography in which the sub-station is being constructed.

Having considered the rival submissions and considering the material on record, there is neither any vested right or expertise in the petitioners to determine the location of sub-station. Therefore, the relief prayed for in this writ petition cannot be granted. However it is made clear that construction of sub-station with necessary protections, which are required to be taken, with regard to the electrical installations shall be done strictly in accordance with the notified regulations under the relevant Electricity Laws.

With the above observations, the writ petition is dismissed. As a sequel, pending miscellaneous petition, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

30th March, 2016
Js.